

Paper No. 607
Disposes of
Paper No. 565,
in part only

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al)	ORDER: THAT FACILITIES
- vs -)	TO INTERROGATE OR INTER-
ARAKI, Sadao; et al)	VIEW CERTAIN WITNESSES
)	REQUESTED BY THE ACCUSED
)	HASHIMOTO BE PROVIDED;
)	AND FOR THE PRODUCTION
)	OF DOCUMENTS

This matter coming on to be heard on this 25th day of November, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of HASHIMOTO, Kingoro, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said HASHIMOTO, Kingoro, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 565; and after hearing the statements and arguments of Counsel for the said HASHIMOTO, Kingoro, and the Tribunal being fully advised in the premises, it is

ORDERED: That the following named person, who is a Japanese national and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by Counsel for the accused HASHIMOTO, to determine if his presence will be required at a later date to testify on behalf of the said HASHIMOTO:

1. TERADA, Masao;
 - (a) The nationality of the witness is Japanese;
 - (b) The witness is now residing in Fukui Prefecture, Japan;
 - (c) The witness was a Lieutenant General in the Japanese Army and was at one time one of the Staff Officers of the Yanagawa Army in the China area. The defendant HASHIMOTO was a commanding officer of one of the units of the Yanagawa Army.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused HASHIMOTO, Kingoro, to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and may be found or held:

1. OTA, Kozo;
 - (a) The nationality of the witness is Japanese;
 - (b) The witness is now in Sugamo Prison, Tokyo;
 - (c) The witness was at various times Chief Secretary of the Hironuma Cabinet, Secretary General of the Imperial Rules Assistance Association, and Education Minister in the Suzuki Cabinet.
2. WACHI, Takaji;
 - (a) The nationality of the witness is Japanese;
 - (b) The witness is now in Sugamo Prison, Tokyo;
 - (c) The witness was a Lieutenant General in the Japanese Army and was a member of "Sakurakai" or the "Cherry Blossom Society". This witness participated in the October Incident

and is thoroughly familiar with the
March Incident.

3. IKEZAKI, Chuko;
 - (a) The nationality of the witness is Japanese;
 - (b) The witness is now in Sugamo Prison;
 - (c) The witness was a member of the Japanese Diet, an official of the Education Ministry and was one of the leading authorities in Japan on Military matters.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this Order as may be found necessary to his proper defense in this case as a result of said interrogations.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused HASHIMOTO to examine the files of the Foreign Office of the Japanese Government, at Tokyo, as to the following named documents:

1. The complete file of documents dealing with the "Ladybird Incident;" and
2. The complete file of documents dealing with the "Panay Incident;"

to determine if said documents, or portions thereof, will be necessary and required for the proper defense of the said

accused HASHIMOTO; and the application of the accused for the production of said documents is continued, awaiting the results and disclosures of said examination; and the accused is granted permission to file a supplemental application for the production of such of the above named documents or portions thereof as may be found necessary to his proper defense in this case, as a result of such examination.

Dated at Tokyo, Japan, this 11 December 1946.

BY THE TRIBUNAL:

/s/ W. F. WEBB
PRESIDENT